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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,154	08/27/1999	DONALD SPECTOR	4021.122	7440

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

16

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/384,154

Applicant(s)

SPECTOR, DONALD

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9,10,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9,10,12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17:2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-8, 11 and 14-16 have been canceled. Claims 9, 10, 12 and 13 are presented for examination.
2. Claims 9, 10, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The following terms lack proper antecedent basis:
    - i. the identification – claim 9, line 8;
  - b. The claim language in the following claims is not clearly understood:
    - i. claim 9, line 12, it is not clearly understood what is meant by “service ae appropriate” (i.e., are);  
  
line 13, it is not clearly understood what is meant by “reachable form his present address” (i.e., from);

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 9, 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker (US 6,505,046 B1).

5. As to claim 9, Baker discloses the invention as claimed, including a network for targeting an individual operating a microcomputer in order to offer to supply said individual with appropriate goods or services available at a place within reach of the individual's present location (col. 7, lines 16-19 and 44-51; col. 8, lines 38-42; col. 10, lines 1-9), said network comprising:

means associated with the microcomputer (425, fig. 4) to microwave-link (410, fig. 4; col. 4, lines 5-9 and 22-25) the microcomputer to an Internet highway (col. 6, lines 42-46);

a GPS receiver to indicate the individual's present location (col. 7, lines 32-38; col. 9, lines 26-29);

means to convey over the microwave link (col. 4, lines 5-9 and 22-25) from the microcomputer to a web site on the Internet highway, an identification of the individual and the individual's present location, thereby providing his full address (col. 7, lines 12-16; col. 8, lines 17-25; col. 9, lines 7-10);

means at the website storing profiles of a multitude of individuals who are consumers of the goods or services to determine from the profile of individual who's address has been forwarded to the web site, which good or services are appropriate to said individual and are available at a place reachable from his present address (col. 7, line 62 – col. 8, line 3); and

means to convey from the web site to the microcomputer an offer to supply said goods or services (col. 7, lines 44-51; col. 8, lines 38-42; col. 9, lines 10-11).

6. As to claim 10, Baker discloses microwave-link is provided by a radio transceiver (i.e., GSM; col. 4, lines 5-9 and 22-25).

7. As to claim 13, Baker discloses the profiles are stored in a data bank (col. 7, line 62 – col. 8, line 3).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 6,505,046 B1), as applied to claims 9, 10 and 13 above.

10. Baker does not specifically disclose e-mail address identifies the individual. However, Baker discloses that when subscriber (425, fig. 4) calls, MSC/HLR (415, fig. 4) passes the origination notification to the WSN (420, fig. 4) that contains the identity of the subscriber (col. 7, lines 12-20) so that the service can be returned to the correct subscriber. Furthermore, Baker discloses web browser (i.e., Netscape, Internet explorer; col. 2, lines 36-43) that has a capability to allow a user to create, send, receive, and review e-mail message is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the identity of the subscriber could be his/her e-mail address because it is well known and expected in the art to use e-mail. Therefore, it would obvious to include e-mail address for identifying the person to Baker because it allows a user to send an electronic message to the intended recipient by specifying the recipient's e-mail address.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Rougollahzadeh et al, patent 6,208,866 B1, Rothman et al, patent 6,505,168 B1, Palomo et al, patent 6,405,126 B1, Snyder et al, patent 5,649,300 disclose method and apparatus for distributing location-based marketing to mobile stations within a cellular network.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang  
May 14, 2003

  
MENG-AI T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100